

Message Text

CONFIDENTIAL POSS DUPE

PAGE 01 STATE 200972

62

ORIGIN EUR-03

INFO OCT-01 ISO-00 ONY-00 /004 R

DRAFTED BY EUR/SOV:MGARRISON:BAL

APPROVED BY EUR/SOV:MGARRISON

DESIRED DISTRIBUTION

NO DISTRIBUTION OUTSIDE EUR/SOV - 3 COPIES ONLY

----- 107302

P 122236Z AUG 76

FM SECSTATE WASHDC

TO AMEMBASSY MOSCOW PRIORITY

C O N F I D E N T I A L STATE 200972

FOR MATLOCK FROM GARRISON

E.O. 11652: GDS

TAGS: OGEN

SUBJECT: OFFICIAL-INFORMAL

1. WE KNEW THAT MR. MERKHER WAS BEING HELD UP IN ROME, AND WE APOLOGIZE FOR NOT INFORMING YOU. SOMEHOW WE THOUGHT YOU WEREINFORMED. WE HATE TO SEE HIM GIVE UP HIS APPLICATION TO INS BECAUSE WE DO NOT BELIEVE INS HAS ANY BASIS IN LAW FOR REFUSING TO PROCESS HIM AND THE CHILDREN. IF HE COULD GET TO THE US AS A CONDITIONAL ENTRANT, WE THINK WE COULD TRY HAVING MRS. MERKHER PROCESSED OUT OF MOSCOW OR TEL AVIV AS NP-1. WE SUGGEST YOU SEND IN A REGULAR CABLE ON HIS CASE, MAKING THE POINTS IN YOUR O-I MOSCOW 12698. A REGULAR CABLE WHICH WILL BE DISTRIBUTED TO ALL AGENCIES MIGHT SERVE TO PUT PRESSURE ON INS CO IN LIGHT OF THE CONGRESSIONAL INTEREST. IN YOUR CABLE IT WOULD BE BETTER NOT TO REFER TO THE POSSIBILITY OF MRS. MERKHER GOING TO ISRAEL IN THE NEAR FUTURE. THAT INFORMATION WEAKENS THE HUMANITARIAN URGENCY OF THE CASE. ALSO, WE DO NOT WANT TO REOPEN THE QUESTION OF OUR HARD-WON MANDATE IN THE KRAPIVENSKAYA CASE.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 200972

2. WE ARE LESS SYMPATHETIC TOWARD MYLKO AND HIS PROBLEM

WILL NOT BE WELL RECEIVED IN WASHINGTON. ON THE OTHER HAND, IT COULD EMBARRASS US WITH THE SOVIETS TO HAVE HIM

PUBLICIZE SOME OF THE FACTS. PERHAPS YOU COULD SUBMIT HIS CASE TO VO IN AN OM AND SEND US A COPY. WE WILL SEE WHAT WE CAN DO.

3. TRUST YOU ARE AWARE OF THE IMPENDING INSPECTION. THEY ARE NOW CLEARING A CABLE SAYING THEY WILL ARRIVE SEPT. 26. THEY ARE AWARE THAT THE AMBASSADOR MIGHT BE AWAY AT THAT TIME.

4. JOHN FORD WILL BE ARRIVING MOSCOW LABOR DAY WEEKEND-- SEPT. 4 OR 5. DATE NOT FIRM YET.

5. THE GENERAL COUNSEL OF THE CAB HAS DETERMINED THAT THE APPROPRIATE MANNER IN WHICH TO INITIATE A SECTION 412 ORDER RESTRICTING THE SALE OF AEROFLOT TICKETS IN THE US TO PAN AM TICKET STOCK WOULD BE FOR PAN AM OR THE STATE DEPT TO FILE A PETITION CHARGING DISCRIMINATION AND REQUESTING APPROPRIATE ACTION. APPARENTLY THE CAB HAS AUTHORITY TO TAKE DIRECT ACTION BUT IS RELUCTANT TO DO SO DUE TO A PREVIOUS CASE INVOLVING THE PHILLIPINES IN WHICH THE BOARD ACTED ON A US CARRIER'S UNDOCUMENTED ALLEGATIONS WHICH LATER PROVED FALSE. THE FILING OF A PETITION WOULD ENABLE AEROFLOT TO FILE A REBUTTAL. ON AUGUST 12 WE LEARNED THAT PAN AM IS UNWILLING TO FILE A PETITION BECAUSE (A) IT DOES NOT WANT TO BE "MORE OF A TARGET FOR (SOVIET) DISLIKE" AND (B) IT FEELS THE PETITION WILL PERMIT THE SOVIETS TO TIE UP THE CASE IN LEGAL ARGUMENTATION (A FEAR WE ALSO SHARE). IN VIEW OF PAN AM'S UNWILLINGNESS TO ACT, THE DEPT IS CONSIDERING SENDING A LETTER OF INSTRUCTION TO THE CAB CHAIRMAN, STRONGLY RECOMMENDING THAT THE CAB IMMEDIATELY TAKE THE APPROPRIATE ACTION UNDER SECTION 412 AND AT THE SAME TIME STRESS THAT THIS IS NOT A TYPICAL CASE OF DISCRIMINATION, BUT ONE THAT IS WELL DOCUMENTED AND REPRESENTS A SIGNIFICANT QUESTION OF US NATIONAL INTERESTS. WE WILL URGE THAT THE CAB TAKE ACTION WITHIN THREE DAYS OF THE RECEIPT OF OUR LETTER AND THAT THE CAB NOT INVITE AEROFLOT

CONFIDENTIAL
CONFIDENTIAL

PAGE 03 STATE 200972

REBUTTAL. WE WILL KEEP YOU INFORMED OF DEVELOPMENTS.

6. MUCH APPRECIATE EMBASSY'S EXCELLENT RUNDOWN ON CHANCERY CONSTRUCTION PROBLEM WHICH WAS BIG HELP IN REVISING NEW MEMO ON SUBJECT. WE HOPE TO MOVE THE MEMO UP NEXT WEEK.

7. RECEIVED TODAY TOM'S UPDATED LIST OF PERSONNEL, ETC. MANY THANKS. KISSINGER

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 12 AUG 1976
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ShawDG
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE200972
Document Source: CORE
Document Unique ID: 00
Drafter: MGARRISON:BAL
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760311-0211
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760858/aaaabzcb.tel
Line Count: 113
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: ONLY
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: ONLY
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: ShawDG
Review Comment: n/a
Review Content Flags:
Review Date: 07 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <07 MAY 2004 by ElyME>; APPROVED <24 AUG 2004 by ShawDG>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: OFFICIAL-INFORMAL
TAGS: OGEN
To: MOSCOW
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006